



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 15, 1998

Ms. Tracy B. Calabrese  
Assistant City Attorney  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-0142

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112175.

The City of Houston (the "city") received a request for two incident reports. You contend that portions of the incidents reports are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

...

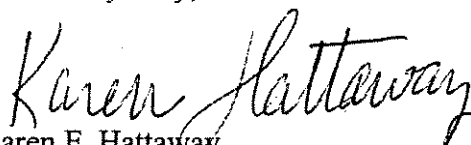
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. Incident Report No. 089521196X relates to the burglary of a motor vehicle. You state that this incident "has been cleared based on no evidence to prosecute the listed suspects." Based on this statement, we conclude that section 552.108(a)(2) is applicable to this incident report. Incident Report No. 128716497B relates to an incident of criminal mischief. This incident has not been resolved. You indicate that the Houston Police Department will continue to investigate this matter and that the release of the incident report would interfere with the investigation and prosecution of the offense. Under these circumstances, we conclude that section 552.108(a)(1) is applicable to Incident Report No. 128716497B.

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You state that you have already released the front page offense report information from both of the requested incident reports. Although section 552.108 authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 112175

Enclosures: Submitted documents

cc: Ms. Patricia Statesman  
8101 Leonora #604  
Houston, Texas 77061  
(w/o enclosures)